

REMARKS/ARGUMENTS

At this time, Applicants would like to thank the Examiner for his time during the recent telephonic interview on February 26, 2003. During the interview, all rejections were discussed. More specifically, the Examiner indicated that amending the claim to indicate the mutations described in the specification would obviate the rejections.

A. Status of the Claims

Claim 36 is pending. Applicants have amended without prejudice and without acquiescence claim 36. Support for the amendment can be found throughout the specification, for example page 19, line 18 and page 25, table II. Applicants have added claims 58-64 which claim the subject matter of claims 37-52. Applicants assert that no new matter was added.

B. Outstanding Issues

- Claim 36 has have been rejected by the Examiner under 35 U.S.C. 112, first paragraph as allegedly containing subject matter which was not described.
- Claim 36 has been rejected by the Examiner under 35 U.S.C. 103(a) as being allegedly unpatentable over Dohlsten et al., 1991.

Applicants respectfully traverse the outstanding rejections and objections, and Applicants respectfully request reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

C. The claims are described.

In the Office Action, the Examiner rejected claim 36 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification. Applicants respectfully traverse.

In specific embodiments, the present invention is drawn to a conjugate containing a mutated peptide that has a modified ability to bind to the MHC class II receptors well retaining its ability to bind to a T cell receptor. In order to advance the prosecution of the present invention, Applicants have amended the claims as discussed with the Examiner to clarify the specific embodiments of the present invention, the specific mutants that are disclosed in the specification, for example, Table II, page 25.

In light of the above arguments and the amendments, Applicants assert that the claims are described and request withdrawal of the 112, first paragraph rejection.

D. Claim 36 is non-obvious.

The Examiner has rejected claim 36 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Dohlsten et al., PNAS USA 88:9287-9291, 1991. The Examiner contends that Dohlsten et al. suggests making mutations in the C-terminal region of superantigens in order to reduce class II MHC antigen binding. Applicants respectfully traverse this rejection.

During the telephonic interview of February 26, 2003, Applicants and the Examiner agreed that Dohlsten et al. does not suggest specific mutations of superantigens to modify their ability to bind to MHC class II. The present invention teaches for the first time the specific regions of superantigens that are responsible for binding MHC class II antigens and that mutations in these regions affect MHC class II binding. See specification p. 23, lns., 12-15 and table II, page 25.

Thus, in order to advance the prosecution of the present invention, Applicants have amended the claims to clarify the specific embodiments of the present invention, the specific mutants that are disclosed in the specification, for example, Table II, page 25.

In light of the above arguments and the amendments, Applicants assert that the claims are described and request withdrawal of the 103, obviousness rejection.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If any outstanding issues remain, the Examiner is encouraged to contact the undersigned for a quick resolution.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 09804877 from which the undersigned is authorized to draw.

Dated: March 14, 2003

Respectfully submitted,

By 

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